

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT A. PASCOE

Appeal No. 97-1355
Application 08/072,826¹

ON BRIEF

Before HAIRSTON, KRASS and LEE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1, 3, 6-8, 10, 13 and 14 under 35 U.S.C. § 103 as being unpatentable over prior art. No claim has been allowed.

References Relied on by the Examiner

Torres U.S. Patent No. 5,416,901 May 16, 1995
(filed December 17, 1992)

Petaccia

Application for patent filed June 7, 1993.

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Tom Petaccia, "Disk Top 4.0 CE Software's indispensable Finder-DA reaches new heights," MacUser, Volume 6, No. 6, pages 76-79, June 1990.

The Rejections on Appeal

Claims 1, 3, 6-8, 10, 13 and 14 stand finally rejected under 35 U.S.C. § 103 as being unpatentable over Petaccia and Torres. The appellant has stated that claims 1, 3, 6-8, 10, 13 and 14 stand or fall together.

The Invention

Representative claim 1 is reproduced below:

1. A user initiated method of increasing available storage space on a computer system by deletion of data from containers which contain a plurality of documents, comprising the steps of:

selecting a scrubber container displayed on the computer system, said scrubber container having predefined user designated criteria for deletion;

dropping said scrubber container onto at least one other user selected container displayed on the computer system, said at least one other container having stored therein a plurality of documents;

automatically searching each of said documents in said at least one other user selected container using said predefined user designated criteria; and

automatically deleting any of said documents matching said predefined user designated criteria.

Opinion

In our view, the combined teachings of Petaccia and Torres would not have reasonably suggested the appellant's claimed

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invention. Accordingly, we do not sustain the rejection of claims 1, 3, 6-8, 10, 13 and 14.

Initially, however, we express our disagreement with the appellant's view that Petaccia does not disclose automatically deleting files which have been found to match predefined user designated criteria for deletion because subsequent to the successful search for files the actual deletion requires another step from the user, i.e., execution of a "batch" delete command. The examiner correctly pointed out that even the appellant's own preferred embodiment provides for the user's reviewing a list of found items based on the predetermined criteria and making a final decision to delete (answer at 6). Thus, applying the rule of broadest reasonable interpretation consistent with the specification, we conclude that the automatically deleting feature does not exclude a last minute user verification of all the files to be deleted before the delete operation is executed.

The examiner also correctly determined that "Petaccia did not describe the selection of a 'scrubber' container as that term can fairly be interpreted from appellant's disclosure" (answer at 5). Indeed, we find that Petaccia does not disclose a "scrubber" container. Since there is no scrubber container in Petaccia, no scrubber container can be selected.

The examiner incorrectly found (answer at 5), however, that aside from the absence of selection of a scrubber container, the only difference between the claimed invention and Petaccia is the claimed invention's dropping of one container into another. The pertinent limitation of claim 1 is this: "dropping said scrubber container onto at least one other user selected container displayed on the computer system, said at least one other container having stored therein a plurality of documents." The appellant has not simply claimed the dropping of one container into another. Instead, the claimed invention requires the dropping of a particular kind of container, the "scrubber container" which is associated with a predefined user designated criteria for deletion, into a container containing documents.

The examiner has overlooked an important difference between the claimed invention and Petaccia. In the claimed invention, the predefined user designated criteria for deletion is a characteristic of and associated with the scrubber container. As claimed, a user first selects the scrubber container and then drops the scrubber container into a document holding container. When that occurs, the system automatically searches for documents satisfying the criteria for deletion. In contrast, Petaccia does the reverse as will be explained below.

Petaccia discloses a document finder utility. A set of criteria is established based on which document folders will be searched. After document folders have been searched and a list of found items has been created, a user may execute a number of operations on them, for instance, deleting, copying, or moving (page 76). Thus, not only is there no scrubber container, by the time the delete function is identified in Petaccia, the document folder or folders have already been searched based on the predefined user designated criteria. While Petaccia discloses a generalized document finder facility which finds files first to permit various functions to be performed on them later, the claimed invention is directed to a specialized delete operation which identifies the delete action first and then locates the files based on criteria associated with the delete operation. Thus, in connection with Petaccia, there is no need, purpose, or motivation, for anyone to drag a scrubber container and drop it into a document holding container to initiate a search for files, in addition to there being no scrubber container as claimed.

Torres has been relied on by the examiner to show the conventionality of drag and drop operations involving display icons. Specifically, Torres discloses the dragging of one icon and dropping of the same into another. As the examiner correctly

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stated (answer at 8):

The more specific teaching of Torres is to allow an operator to select particular data fields from a plurality of data fields of a particular icon type for utilization in direct icon manipulation (see column 2 lines 40-46 and elsewhere). Ordinarily skilled artisans would have recognized this as the operation being performed in DeskTop 4.0 as described by Petaccia in selection of certain criteria for use in searching a container.

But using a modified icon to represent selected data fields of a particular type of icon having multiple data fields, as applied to Petaccia in the manner explained by the examiner, concerns only the identification of predefined search criteria. It does not make up for the deficiencies of Petaccia regarding (1) the existence of a scrubber container which is associated with a predefined user designated criteria for deletion of documents, (2) selecting the scrubber container and dropping it into a document container to automatically search for documents satisfying the criteria associated with the scrubber.

The fact that "drag and drop" is a generally known operation involving display icons would not have rendered obvious all drag and drop operations no matter what is being dragged, what is the destination of the drop, and what subsequent events occur. The issue is also not simply using a scrubber object or icon to represent a delete function. Rather, it is the specific manner

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in which the scrubber object is used to carry out the delete function as claimed.

For the foregoing reasons, the rejection of claims 1, 3, 6-8, 10, 13 and 14 over Petaccia and Torres cannot be sustained.

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Conclusion

The rejection of claims 1, 3, 6-8, 10, 13 and 14 under
35 U.S.C. § 103 as being unpatentable over Petaccia and Torres
is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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ERROL A. KRASS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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